

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

NO. 5:16-CV-365-FL

FILED IN OPEN COURT  
ON 9/25/19 8YC  
Peter A. Moore, Jr., Clerk  
US District Court  
Eastern District of NC

MICHAEL J. MORGAN,

Plaintiff,

v.

VERDICT

RICKY J. SPIVEY, in his individual and  
official capacities as a Wake County  
Sheriff's Deputy, CASEY L. MILLER, in  
his individual and official capacities as a  
Wake County Sheriff's Deputy, JOSHUA  
K. LEGAN, in his individual and official  
capacities as a Wake County Sheriff's  
Deputy,

Defendants.

We, the jury, return as our unanimous verdict the answers for the following issues:

1. Did Defendant Legan violate plaintiff's constitutional rights by committing an unlawful search of the truck?

✓ YES  
       NO

2. During the initial traffic stop, did defendant Legan look for anything in the truck other than the registration?

✓ YES  
       NO

PROPOSED  
JULY 1, 2016  
JULY 1, 2016  
JULY 1, 2016  
JULY 1, 2016  
JULY 1, 2016

3. Did Defendant Spivey violate plaintiff's constitutional rights by committing an unlawful arrest?

☒ YES  
☐ NO

4. Did Defendant Spivey violate plaintiff's constitutional rights by using excessive force during arrest?

☒ YES  
☐ NO

5. Did plaintiff refuse to comply with an order by defendant Spivey to exit the truck?

☐ YES  
☒ NO

*(Proceed to question 6 below only if the answer to question 3 is "yes." If the answer to question 3 is "no," proceed to question 7.)*

6. Did defendant Legan violate plaintiff's constitutional rights by failing to stop defendant Spivey from unlawfully arresting plaintiff?

☒ YES  
☐ NO

*(Proceed to question 7 below only if the answer to question 4 is "yes." If the answer to question 4 is "no," proceed to question 8.)*

7. Did defendant Legan violate plaintiff's constitutional rights by failing to stop defendant Spivey from using excessive force during arrest?

☒ YES  
☐ NO

8. Did defendant Miller violate plaintiff's constitutional rights by using unjustified deadly force against him?

☒ YES  
☐ NO

9. Did plaintiff refuse to comply with an order by defendant Miller to put the truck in park?

☐ YES  
☒ NO

10. Was plaintiff responsible for making the truck move when defendant Spivey attempted to arrest him?

☐ YES  
☒ NO

11. Did defendant Spivey violate plaintiff's constitutional rights by causing criminal prosecution to occur against him without probable cause?

☒ YES  
☐ NO

12. Did defendant Miller violate plaintiff's constitutional rights by causing criminal prosecution to occur against him without probable cause?

☒ YES  
☐ NO

13. Did defendant Legan violate plaintiff's constitutional rights by causing criminal prosecution to occur against him without probable cause?

☒ YES  
☐ NO

(Proceed to question 14 below only if the answer to question 1 is "yes." If the answer to question 1 is "no," proceed to question 15.)

14. What amount of actual or nominal damages, if any, is plaintiff entitled to recover from defendant Legan for the unlawful search of the truck?

A. \$ 125,000

Write out amount in words: one hundred twenty-five thousand

(Proceed to question 15 below only if the answer to question 3 is "yes." If the answer to question 3 is "no," proceed to question 16.)

15. What amount of actual or nominal damages, if any, is plaintiff entitled to recover from defendant Spivey for unlawful arrest?

A. \$ 350,000

Write out amount in words: three hundred fifty thousand

(Proceed to question 16 below only if the answer to question 4 is "yes." If the answer to question 4 is "no," proceed to question 17.)

16. What amount of actual or nominal damages, if any, is plaintiff entitled to recover from defendant Spivey for his use of excessive force?

A. \$ 1,000,000

Write out amount in words: one million

*(Proceed to question 17 below only if the answer to question 8 is "yes." If the answer to question 8 is "no," proceed to question 18.)*

17. What amount of actual or nominal damages, if any, is plaintiff entitled to recover from defendant Miller for his unjustified use of deadly force?

A. \$ 3,000,000

Write out amount in words: three million

*(Proceed to question 18 below only if the answer is "yes" to questions 11, 12, and/or 13. If the answer to each of those questions is "no," continue to question 19.)*

18. What amount of actual or nominal damages, if any, is plaintiff entitled to recover for criminal prosecution without probable cause?

A. \$ 2,000,000

Write out amount in words: two million

*(Proceed to question 19 below only if the answer to questions 3, 4, and/or 11 is "yes." If the answers to questions 3, 4, and 11 are "no," proceed to question 20.)*

19. What amount of punitive damages, if any, is plaintiff entitled to recover from defendant Spivey?

A. \$ 750,000

Write out amount in words: seven hundred fifty thousand

*(Proceed to question 20 below only if the answer to questions 8 and/or 12 is "yes." If the answers to questions 8 and 12 are "no," continue to question 21.)*

**20. What amount of punitive damages, if any, is plaintiff entitled to recover from defendant Miller?**

A. \$ 1,000,000

Write out amount in words: one million

*(Proceed to question 21 below only if the answer to questions 1, 6, 7 and/or 13 is "yes." If the answers to questions 1, 6, 7, and 13 are "no," you will end your deliberations.)*

**21. What amount of punitive damages, if any, is plaintiff entitled to recover from defendant Legan?**

A. \$ 100,000

Write out amount in words: one hundred thousand

Dated this the 25 day of September, 2019.

